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APR 21 2005

In re Application of
Knoplioch et al.
Application No. 09/368,201
Filed: August 4, 1999
Attorney Docket No. 14XZ00047

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OFFICE OF PETITIONS

Decision on Petition

This a decision on the petition under 37 CFR 1.137(b), filed December 28, 2004, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the non-final Office action mailed October 10, 2001. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on January 11, 2002. A Notice of Abandonment was mailed on June 14, 2002.

The instant petition requests revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.¹

The file does not indicate a change of address has been submitted, although the zip code listed on the petition differs from the zip code which is part of the address of record. The United States Postal Service web site indicates the correct zip code is the code listed on the petition - 06828. However, the Office is unable to change the address of record since petitioner has not actually requested a change of address. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Technology Center Art Unit 2123 will be informed the application has been revived and the examiner will consider the amendment filed on December 28, 2004, in due course.

Telephone inquiries may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

¹ See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).